



INTERIOR BOARD OF INDIAN APPEALS

Johnnie Bobb, et al. v. Phoenix Area Director, Bureau of Indian Affairs

32 IBIA 289 (07/30/1998)

Denying reconsideration of:
32 IBIA 241

Related Board case:
32 IBIA 61



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

JOHNNIE BOBB ET AL.,
Appellants

v.

PHOENIX AREA DIRECTOR,
BUREAU OF INDIAN AFFAIRS,
Appellee

: Order Denying Petition for
: Reconsideration
:
:
: Docket No. IBIA 98-103-A
:
:
: July 30, 1998

On June 24, 1998, the Board of Indian Appeals dismissed an appeal on which Johnnie Bobb and Donald Brady were listed as "Contact Persons" and Jeannette Losh, Roselyn Brady, Wayne Dyer, Johnnie Bobb, Priscilla Lynch, Levi Hooper, Donald Brady, Doris Dyer, and Randy Brady were listed as "Interested Parties." 32 IBIA 241. On July 24, 1998, the Board received a Petition for Reconsideration from the same individuals.

The Board dismissed the appeal on the grounds that it was not signed as required by 43 C.F.R. § 4.332(a). The Board noted that, in an earlier case, the individuals listed as "Contact Persons" and "Interested Parties" had specifically been informed that the Board would not accept an unsigned notice of appeal. See Losh v. Acting Phoenix Area Director, 32 IBIA 61, n.1 (1998).

The Petition for Reconsideration is signed by each of the "Contact Persons" and "Interested Parties." Petitioners argue:

A supplementary signature page had been filed with the Phoenix Area office after we were made aware of our omission. Unfortunately, because the appeal was sent to you unchanged, we overlooked the signatory amendment. If we had been able to afford legal counsel, this error would not have occurred.

43 C.F.R. § 4.332(a) requires, among other things, that a signed notice of appeal be filed with the Board within 30 days after receipt of the decision being appealed, and provides that "[a] notice of appeal not timely filed shall be dismissed for lack of jurisdiction." In addition, 43 C.F.R. § 4.310(d)(1) authorizes the Board to extend the time for filing any document "except a notice of appeal."

The present Petition for Reconsideration asks the Board to violate both of these regulations. The Board declines to do so.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this Petition for Reconsideration is denied.

//original signed

Kathryn A. Lynn
Chief Administrative Judge

//original signed

Anita Vogt
Administrative Judge



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